

Exhibit 4
Patterson Declaration

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
)	

**DECLARATION OF JON H. PATTERSON IN SUPPORT OF THE RESCAP
BORROWER CLAIMS TRUST'S OBJECTION TO CLAIM NUMBER 2267
FILED BY ABOSEDE EBOWEME**

I, Jon H. Patterson, hereby declare as follows:

A. Qualifications

1. I am a Partner at Bradley Arant Boult & Cummings LLP law firm (“BABC”) in the firm’s financial services litigation group, and serve as counsel to the ResCap Borrower Claims Trust (the “Borrower Trust”). I have been practicing law in the State of Alabama for more than eleven years, and I have no record of discipline with the State Bar of Alabama. Since joining BABC, one primary focus of my practice is the representation of mortgage companies and other mortgage industry entities. After I joined BABC, I have been involved with Eboweme’s litigation since learning of its inception in 2013 to the present.

2. I am authorized to submit this declaration (the “Declaration”) in support of the *Objection of the ResCap Borrower Claims Trust to Claim Number 2267 Filed by Abosede Eboweme* (the “Objection”).¹

3. Except as otherwise indicated, all facts set forth in this Declaration are based upon my personal knowledge of the litigation between Eboweme and the Debtors, and

¹ Defined terms used but not defined herein shall have the meanings ascribed to such terms in the Objection.

information learned from my review of relevant documents. If I were called upon to testify, I could and would testify competently to the facts set forth in the Objection on that basis.

B. Wrongful Foreclosure Action

4. On March 6, 2012, Eboweme filed the *Original Petition for Wrongful Foreclosure and Application for Temporary Restraining Order and Injunctive Relief* (the “Petition”) with the District Court of the 342nd Judicial District of Texas – Tarrant County, Case No. 342-258269-12 (the “Wrongful Foreclosure Action”).² See Petition at Exhibit 4-A annexed hereto. Eboweme alleges several causes of action, including wrongful foreclosure, lack of standing to foreclose, violations of a bankruptcy stay, violations of the Real Estate Settlement Procedures Act (“RESPA”), violations of Texas Finance Code Sections 392.30(8) and 392.304, Texas Deceptive Trade Practices Act (“TDTPA”), violations of the Debt Collection Practices Act (“TDCPA”), and intentional infliction of emotional distress. See id. Eboweme failed to serve the Petition on GMACM or the other defendants.

5. On April 4, 2013,³ the defendants to the Wrongful Foreclosure Action filed a motion for summary judgment, seeking the dismissal of Eboweme’s claims. See Motion for Summary Judgment at Exhibit 4-B annexed hereto.

6. On April 16, 2013, Eboweme filed an opposition to the motion for summary judgment. See Eboweme Opposition to Motion for Summary Judgment at Exhibit 4-C annexed hereto.

7. On July 24, 2013, pursuant to the court’s direction, the defendants to the Wrongful Foreclosure Action filed a motion to add Ocwen as a defendant in place of GMACM

² Eboweme is acting *pro se* in the Wrongful Foreclosure Action.

³ The reason no litigation activity occurred until over a year after Eboweme commenced the Wrongful Foreclosure Action is because Eboweme failed to serve the Petition on the defendants. Ultimately, the defendants opted to waive service and proceeded to litigate the asserted claims.

to supplement the moving parties. See Motion to Supplement Parties at Exhibit 4-D annexed hereto. Also on July 24, 2013, GMACM filed a Notice of Bankruptcy and Automatic Stay in the Wrongful Foreclosure Action. See Notice of Bankruptcy at Exhibit 4-E annexed hereto.

8. Eboweme failed to appear at a court-ordered mediation session on October 30, 2014. Ultimately, mediation was not successful.

9. Based upon Eboweme's refusal to settle the Wrongful Foreclosure Action, the defendants' motion for summary judgment is scheduled to be heard on January 30, 2015. The Wrongful Foreclosure Action is going forward against all defendants, but remains stayed as to Debtor GMACM.

10. On June 29, 2011, prior to the Wrongful Foreclosure Action, Eboweme filed a separate case against GMACM, BoA, and various other defendants, with the District Court for the Northern District of Texas, styled as *Eboweme v. GMAC Mortgage, et al.*, Case No. 11-cv-446-Y (N.D. Tex. June 29, 2011), based on substantially the same allegations underlying the Wrongful Foreclosure Action; however, Eboweme voluntarily dismissed this case on September 29, 2011. See Exhibit 4-F annexed hereto.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 22, 2015

/s/ Jon H. Patterson
Jon H. Patterson
Partner at Bradley Arant Boult & Cummings
LLP